

Atty. Dkt. No. 036481-0109

Rec'd JMW  
TH

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: William F. SWAIN et al.  
Title: DNA-VACCINES BASED ON  
CONSTRUCTS DERIVED FROM  
THE GENOMES OF HUMAN AND  
ANIMAL PATHOGENS  
Appl. No.: 09/705,149  
Appl. Filing Date: 11/1/2000  
Examiner: Bao Q. Li  
Art Unit: 1648

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**TRANSMITTAL**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. **Submission required under 37 C.F.R. §1.114:** (check items that apply)

a. Previously submitted:

- [ ] Please enter and consider the amendment and/or reply previously filed on 12/15/2005 JADD01 00000000 09705149 700.00 OP  
01 FC:1001 1020.00 OP  
02 FC:1253
- [ ] Please consider the Affidavit(s)/Declaration(s) previously filed on \_\_ but not considered.

☐ Please consider the arguments in the Appeal Brief or Reply previously filed on  
—.

b. Enclosed are:

- ☒ Amendment/Reply.  
☐ Affidavit(s)/Declaration(s).  
☐ Information Disclosure Statement.  
☐ Form PTO-1449 with copies of \_\_\_ listed reference(s).

Miscellaneous:

- ☐ Suspension of action of the above-identified application is requested under 37  
C.F.R. § 1.103(c) for a period of \_\_\_ months.

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Fee Totals
RCE Fee 1.17(e):				\$790.00	= \$790.00
Total Claims:	13	- 51	= 0	x \$50.00	= \$0.00
Independents	1	- 5	= 0	x \$200.00	= \$0.00
First presentation of any Multiple Dependent Claims:				+ \$360.00	= \$0.00
CLAIMS FEE TOTAL:					= \$790.00

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$120.00	0	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$450.00		\$0.00
<input checked="" type="checkbox"/>	Extension for response filed within the third month:	\$1,020.00		\$1,020.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,590.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$2,160.00		\$0.00
EXTENSION FEE SUBTOTAL:				\$1,020.00
EXTENSION FEE ALREADY PAID: -				\$0.00
EXTENSION FEE TOTAL				\$1,020.00
CLAIMS AND EXTENSION FEE TOTAL:				\$1,810.00
<input type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):			\$0.00
<input type="checkbox"/>	Suspension of action requested under 37 C.F.R. § 1.103(c)			\$0.00
TOTAL FEE:				\$1,810.00

☐ Please charge Deposit Account No. 19-0741 in the amount of \$1,810.00. A duplicate copy of this transmittal is enclosed.

☒ A check in the amount of \$1,810.00 to cover the filing fee is enclosed.

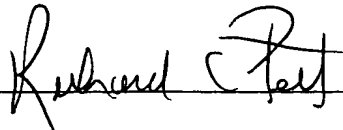
☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date December 14, 2005

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5483  
Facsimile: (202) 672-5399

By \_\_\_\_\_

Richard C. Peet  
Attorney for Applicant  
Registration No. 35,792